THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 12474 OF 2005

DATED: 22-08-2005

Between

Mohd. Mahmood Khan, S/o Md. Ayub Khan,

Aged about 30 years, Business, R/o H. No. 19-2-27/A/12,

Phool Bagh, Jahanuma, Hyderabad.

..... PETITIONER

And

The Station House Officer, Rajendranagar Police Station, Rajendranagar, R.R. District and another.

..... RESPONDENTS

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WRIT PETITION NO. 12474 OF 2005

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing on behalf of the 1st respondent.

The facts, to the extent necessary, for the purpose of this writ petition are that one Dr. Guttikonda Venkatasubbamma had executed a Notarized Will on 21-09-1984 in favour of the vendor of the petitioner, bequeathing her property as the absolute owner. The registered agreement of sale-cum-G.P.A is stated to have been executed by the petitioner's vendor and possession delivered by registered document dated 03-01-2005 in favour of the petitioner for a valuable consideration of Rs.9.70 Lakhs and that the petitioner was in possession of the vacant land thereafter. It is alleged that the 2nd respondent, using his political influence, prevailed upon the 1st respondent to summon the petitioner to the police station, making him to sit for hours together and presurrising him to part with the land and not to make any construction. It is alleged that the petitioner was threatened that in case he did not part with the land, he would be implicated in criminal cases and that his life would be put to an end in the name of encounter.

Counter affidavit has been filed by the Inspector of Police, Rajendranagar Police Station, wherein the averments made in the affidavit filed in support of the writ petition are denied. The allegation that the 2nd respondent used political influence or that the 1st respondent had summoned the petitioner to the police station and made him sit for hours or pressurised him to part with the land is denied as being incorrect and baseless. The allegations that the petitioner would be implicated in criminal cases and killed in the name of encounter have also been denied. It is stated that neither the petitioner nor the 2nd respondent approached the 1st respondent nor had given any complaint and in the absence of any criminal case registered or pending against the petitioner on the file of the 1st respondent – Police Station, the question of calling him and making him sit for hours together did not arise. It is stated that on mere apprehension the petitioner had rushed to this Court without any cause.

In view of the categorical averment that there is no criminal case registered or pending against the petitioner on the file of the 1st respondent – Police Station and that the petitioner was neither called nor made to sit for hours together, no further orders need be passed in this writ petition. Recording the aforesaid submissions of the 1st respondent and since the cause of action does not survive, the Writ Petition is dismissed. There shall be no order as to costs.

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